REMARKS/ARGUMENTS

Reconsideration and allowance of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Amend claims 32, 33, 34, 36 and 37.
2. Thanks the Examiner for the allowance of claims 2-7, 9-22 and 24-30.
3. Thanks the Examiner for the indication of allowable subject matter of claim 32.
4. Respectfully traverse all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

Claim 32 stands rejected under 35 U.S.C. §101. Claims 33-34 and 36-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,356,908 to Brown et al, U.S. Patent 5,754,174 to Carpenter et al and U.S. patent 6,801,926 to Shisler et al. Claims 36 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,356,908 to Brown et al, U.S. Patent 5,754,174 to Carpenter et al and U.S. Patent 5,710,604 to Hodson et al.

By this amendment, claims 32-34 are amended to more particularly point out and distinctly claim patentable features of Applicants' invention. In addition, claims 36 and 37 are amended to correct minor typographical errors as suggested by the Examiner in the 1/27/05 official action. Applicants appreciate the Examiner's recognition that claims 2-7, 9-22 and 24-30 are patentable over the prior art of record. Applicants also appreciate the

Examiner's recognition that claim 32 contains patentable limitations and would be allowable if rewritten to overcome the §101 rejection set forth in the 1/27/05 official action.

The rejection of claim 32 under 35 U.S.C. §101, as being directed toward non-statutory subject matter, is respectfully traversed. Claim 32 has been amended to more distinctly claim specific computer executable program code that is embodied on a computer-readable medium – i.e., a carrier wave or other digital data communications medium. (Basis for this amendment may be found in applicants' specification, for example, at page 76, lines 18 et seq. and FIGURE 35.)

The MPEP at Section 2106 entitled "Patentable Subject Matter - Computer-Related Inventions" states:

> ". . . , a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory." – MPEP § 2106, paragraph IV.B.1.(a)

Applicants respectfully contend that claim 32, as currently amended, sets forth a computer data signal embodied in a carrier wave or other transmission medium *as an article of manufacture* and, as such, is clearly directed toward statutory subject matter.

The rejection of claims 33-34 and 36-37 under 35 U.S.C. § 103(a) as being unpatentable over Brown et al. (USP 6,356,908), and Carpenter et al. (USP 5,754,174) and Shisler et al. (USP 6,801,926) is respectfully traversed. At the outset, as recognized by the Examiner in the 1/27/05 official action, Brown et al. ('908) and Carpenter et al. ('174) do not teach that rearranging information is automatically performed in response to a manipulation of a displayed item selection button. In addition, applicants respectfully contend that Shisler et al. ('926), considered either alone or in combination with Brown et al. and/or Carpenter et al., fails to teach or suggest a method or apparatus for "rearranging the display order of the sets of detail information on the display screen of the display in accordance with item-specific information displayed in one of said plurality of items, wherein the item-specific rearranging step is *automatically performed in response to a manipulation of a displayed item selection button*" (emphasis added), as set forth in Applicants' claims 33 and 34.

Contrary to applicants' claims, Shisler et al. disclose the use of a "Properties" button which "when selected after highlighting an object in the list of objects to be sorted, causes a sort properties window 2101 to be displayed." "Window 2101 allows the user to select an ascending or descending sort order, and to select whether the current object is to be used as a level break indicator." (Shisler '926 patent at column 18, lines 49-55). In other words, selection (manipulation) of Shisler et al.'s displayed "Properties" button does not result in automatically rearranging of the display order of the displayed items or

objects in the list, but instead results in triggering the opening of yet another window (2101) from which the user must then select further sorting options (e.g., "ascending" or "descending" check boxes). In contrast to Shisler et al., applicants' specification discloses a method and apparatus for implementing an automatic rearranging of items displayed in a menu list in response to a manipulation of one or more rearrange items selection buttons (41) that are displayed in a display including the sets of detailed information whereby item selection takes place immediately upon manipulation of an item selection button and does not require the user to make further selections from yet another options selection window. (See, for example, applicants' specification at pages 33-35 and FIGURES 9(a) and 9(b).) Moreover, Shisler et al. does not teach or suggest providing a displayed item selection button with text that is descriptive of an information item (e.g., "size" or "image type"). There is quite simply no teaching or suggestion by Shisler et al., or any of the references of record, of an item-selection button that performs automatic rearranging as set forth by Applicants' claims. In addition, although Shisler et al. allows the user to select an ascending or descending sort order by using the further displayed "sort properties" menu 2101, this selection apparently affects only the object currently selected in the list of objects and does not affect the current display of that object in the list of objects. (See, for example, Shisler '926 patent at column 18, lines 62 through column 19, line 5).

The rejection of claims 35 and 38 under 35 U.S.C. § 103(a) as being unpatentable over Brown et al.'908, Carpenter et al.'174 and Hodson et al. (USP 5,710,604) is traversed. Applicants respectfully contend that Hodson et al., considered either alone or in combination with Brown et al. '908 and/or Carpenter et al. '174, fail to teach or suggest displaying "identifier images" in different colors where the color of the displayed identifier image is indicative of a particular storage region, as set forth in applicants' claim 35.

The Hodson et al. '604 patent is directed toward a *video memory device* and does not teach or suggest a "display controller for causing the display to display sets of detailed information and identifier images" as set forth in applicants' claims. In contrast, Hodson et al. disclose an arrangement where pixel data that is stored in different sections of memory is used in specifying different colors of an image to be displayed – which is clearly not the same as or even suggestive of *displaying identifier items in different colors* such that the displayed color of the identifier item or object indicates a particular area of memory where corresponding information about the item is stored, as disclosed in applicants' specification. In addition, as recognized by the Examiner, neither Brown et al. nor Carpenter et al. teach or suggest the arrangement set forth in applicants' claims 35 and 38. Consequently, Hodson et al., considered either alone or together with any prior art references of record, simply do not teach or suggest a display arrangement wherein different "identifier images" or displayed items or objects are displayed in different colors

such that the displayed color indicates a different area of storage space. Moreover, Applicants further contend that there is no reasonable argument or basis to support any argument that one of ordinary skill in the art would have had motivation to combine the teachings of Hodson et al. with any of the references of record in a manner that would result in a method or apparatus as set forth by any of Applicants' claims.

Applicants respectfully contend that the applied references of record provide no teaching or motivation for a person of ordinary skill in the art to combine the video memory device of Hodson et al. with the display interface arrangements disclosed by Brown et al. and/or Carpenter et al. Moreover, even when considered together, the three applied references do not teach or suggest the use of "identifier images" that are displayed in different colors, wherein each different color is indicative of a different storage region where the particular image information is stored, as set forth in applicants' claims.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

29,683

By: for H. Warren Burnam, Jr.

H. Warren Burnam, Jr.
Reg. No. 29,366

WGN:ap
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100